

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

January 13, 1998

DIVISION TWO

B106214 Jones (Not for Publication)
v.
Collins

The judgment is reversed.

Fukuto, J.

We concur: Boren, P.J.
Ito, J. (Assigned)

B112097 People (Not for Publication)
v.
Henry

The Court:

The judgment is affirmed.

Boren, P.J., Fukuto, J., Zebrowski, J.

[illegible]

The judgment is modified to strike the section 12022 enhancements from counts one and two. As modified, the judgment is affirmed.

Fukuto, J.

We concur: Boren, P.J.
Zebrowski, J.

DIVISION TWO (Continued)

[illegible]

The judgment is reversed and the cause is remanded so the trial court may set forth in writing pursuant to section 1385, subdivision (a) its reasons for striking the prior felony conviction allegation. If the court upon reflection is unable to articulate a proper basis for striking the allegation under the standards set forth in *Romero* (see 13 Cal.4th at pp. 530-531), defendant must be afforded an opportunity to withdraw her plea and proceed to trial.

Fukuto, Acting P.J.

We concur: Nott, J.
Zebrowski, J.

[illegible]

The judgment is reversed and the cause is remanded so the trial court may set forth in writing pursuant to section 1385, subdivision (a) its reasons for striking the prior felony conviction allegation. If the court upon reflection is unable to articulate a proper basis for striking the allegation under the standards set forth in *Romero* (see 13 Cal.4th at pp. 530-531), defendant must be resentenced in a manner which conforms to the provisions of the three strikes law.

Fukuto, J.

We concur: Boren, P.J.
Zebrowski, J.

January 13, 1998-Continued

DIVISION TWO (Continued)

B113349 Los Angeles County, D.C.S. (Not for Publication)
 v.
 Cresse S.

The order terminating parental rights and placing Jason for adoption is affirmed.

Fukuto, J.

We concur: Boren, P.J.
 Zebrowski, J.

DIVISION FOUR

B113425 People (Not for Publication)
 v.
 Hairapetian

The judgment is affirmed.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Baron, J.

B099239 Flores (Not for Publication)
 v.
 Perriseau

The judgment is affirmed. Costs on appeal are awarded to respondent.

Hastings, J.

We concur: Vogel (C.S.), P.J.
 Epstein, J.

DIVISION FOUR (Continued)

B111151 Parage
v.
Couedel

The Court:

Good cause appearing, it is ordered that the opinion filed herein on December 22, 1997, be published in the official reports.

Vogel, (C.S.), P.J., Hastings, J., Baron, J.

DIVISION FIVE

B115912 Los Angeles County, D.C.S. (Certified for Publication)
v.
Mark N.
L.A. County Department of Children and Family Services

Let a peremptory writ of mandate issue, directing the respondent court to vacate its September 26, 1997, order terminating reunification services and setting a hearing under Welfare and Institutions Code section 366.26. The respondent court shall hold a Welfare and Institutions Code section 366.22 hearing within 30 days of the filing date of this opinion and proceed as indicated heretofore. This opinion is final forthwith pursuant to rule 24 (d) of the California Rules of Court.

Turner, P.J.

We concur: Grignon, J.
Jackson, J. (Assigned)

B103413 John F. Illarmo (Not for Publication)
v.
Violet Rabaya

The judgment is affirmed.

Turner, P.J.

We concur: Grignon, J.
Armstrong, J.

DIVISION FIVE (Continued)

B113147 Cynthia Jurosek (Not for Publication)

v.

Rarick, Rogers & Rogers et al.

The appeal is dismissed. Respondent Rarick Rogers & Rogers is awarded its costs on appeal.

Grignon, Acting P.J.

We concur: Armstrong, J.
Godoy Perez, J.

B110618 People (Not for Publication)

v.

Adrian Galvan

The abstract of judgment is modified to reflect 254 days of presentence credit (170 actual, 84 conduct). As modified, the judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
Godoy Perez, J.

B109068 People (Not for Publication)

v.

Roman Claudio

The judgment is modified to reflect that the prior prison term enhancement pursuant to section 667.5, subdivision (b) is stricken rather than stayed. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B109701 Shahin Gharapetian (Not for Publication)
 v.
 Shahe Ophhali

The judgment is reversed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B107221 The People (Certified for Partial Publication)
 v.
 Keith E. Gatson

The judgment is affirmed except that the cause is remanded to allow the trial judge to impose or strike the prior prison term pursuant to Penal Code section 1170.1, subdivision (h), and to impose but then stay the sentence on count IV.

Turner, P.J.

We concur: Grignon, J.
 Jackson, J. (Assigned)

B104590 People
 v.
 Lester Lewis

Filed order denying petition for rehearing.

B101586 Ocean Ventures Management Ltd.
 v.
 Susan Chiu

Filed order denying petition for rehearing.

January 13, 1998-Continued

DIVISION SIX

B109511 People (Not for Publication)
v.
Cruz

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

B110843 People (Not for Publication)
v.
Carrillo

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

B112923 People v. Baggod (Not for Publication)

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

January 13, 1998-Continued

DIVISION SIX (Continued)

[illegible]

The order of commitment is affirmed.

Stone, P.J.

We concur: Gilbert, J.
 Yegan, J.

B104672 People (Certified for Publication)
v.
Duarte

The judgment is reversed.

Stone, P.J.

I concur: Coffee, J.
I dissent: Yegan, J. (Opinion)

B106230 People
v.
Murray

Filed order dismissing appeal. (Notice of Appeal filed October 1, 1996.)

January 13, 1998-Continued

DIVISION SIX (Continued)

B106748 Smith (Not for Publication)
v.
Nicholson

The orders of the court dated August 23, 1996, are vacated. The case is remanded to the trial court to determine: 1) whether the driveway relocation and easement improvements are reasonably necessary and consistent with the easement purpose; 2) the nature of the restriction of the Smiths' use of the easement; 3) whether the restriction constitutes unreasonable interference with the easement; and 4) the extent of the driveway encroachment onto the Smiths' property. Further evidence may be taken at the discretion of the court to fashion appropriate orders. The award of punitive damages is stricken. Costs are awarded to appellant.

Coffee, J.

We concur: Stone, P.J.
 Gilbert, J.

[illegible]

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
 Coffee, J.

B114668 People (Not for Publication)
v.
Shankles

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

January 13, 1998-Continued

DIVISION SIX (Continued)

B112277 People (Not for Publication)
v.
Andrade

The judgment is affirmed.

Gilbert, J.

We concur: Stone, P.J.
Yegan, J.

B107197 People (Not for Publication)
v.
Baudizzon

The judgment is affirmed.

Coffee, J.

We concur: Stone, P.J.
Yegan, J.

DIVISION SEVEN

B116636 Collins
v.
City of Los Angeles

Filed order denying petition for rehearing.

B107817 People
v.
Johnson

Filed order denying appellant's request for modification of opinion.

January 13, 1998-Continued

DIVISION SEVEN (Continued)

B112853 People (Not for Publication)
v.
Rocha

The judgment (order revoking probation) is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
Neal, J.

[illegible]

The judgment is affirmed.

Woods, J.

We concur: Johnson, Acting P.J.
 Neal, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

January 13, 1998-Continued

DIVISION SEVEN (Continued)

B111571 People (Not for Publication)
v.
Rogiers

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

[illegible]

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.